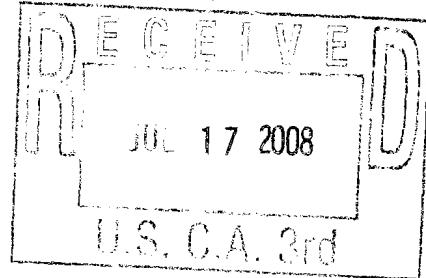


## NOTICE OF APPEAL

TO

U.S. COURT OF APPEALS, THIRD CIRCUIT



U.S. District Court for the District of Delaware

CIRCUIT COURT  
DOCKET NUMBER \_\_\_\_\_

(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

Gusango Fitzgerald Correa  
STATE OF DELAWARE ATTORNEY GENERAL OFFICE  
STATE POLICE TROOP 3 v.  
And Department of Corrections.

DISTRICT COURT  
DOCKET NUMBER 08-356 JJFDISTRICT COURT  
JUDGE: Joseph J. Frawley

Notice is hereby given that Petitioner Gusango Fitzgerald Correa  
 (Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [ ] Judgment, [ ] Order,

[ ] Other (specify) \_\_\_\_\_

---

entered in this action on June 26 2008  
 (date)

Dated: 7/15/08

Gusango Correa  
 (Counsel for Appellant-Signature)

(Name of Counsel - Typed)

(Counsel for Appellee)

(Address)

(Address)

(City, State Zip)

(City, State Zip)

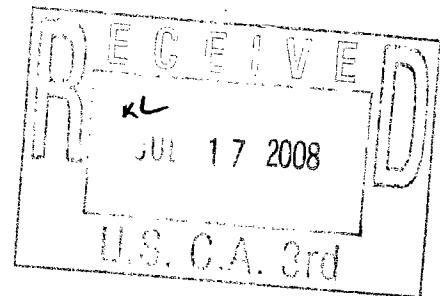
(Telephone Number)

(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GUANGO FITZGERALD CORREA,	)
	)
Plaintiff,	)
	)
v.	) Civil Action No. 08-356-JJF
	)
STATE OF DELAWARE ATTORNEY	)
GENERAL OFFICER,	)
STATE POLICE TROOP 3,	)
DEPARTMENT OF CORRECTIONS,	)
	)
Defendants.	)



**FILING FEE ORDER**

1. The plaintiff Guango Fitzgerald Correa, SBI #0018087, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee.

2. Consistent with 28 U.S.C. § 1915(a)(1), the plaintiff submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavit, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00. In order to determine the schedule of payment of the filing fee, the plaintiff shall submit to the Clerk of Court, a certified copy of his trust fund account statement (memorandum or institutional equivalent, with attachments) showing all deposits, expenditures and balances during the six-month period,

Case 1:08-cv-00356-JJF Document 4 Filed 06/26/2008 Page 2 of 2

immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

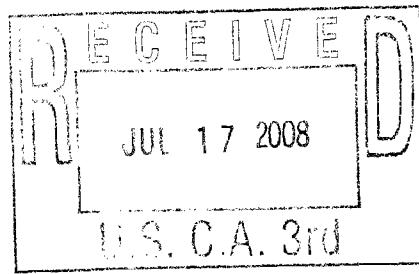
4. Unless the Court determines from the plaintiff's financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

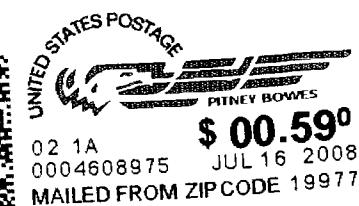
DATED: June 26, 2008

  
\_\_\_\_\_  
United States District Judge

I/M Guango Correa  
SBI# 08180807 UNIT C Building  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



United States Court of Appeals  
for the Third Circuit  
601 Market Street  
Philadelphia pa 19106



**X-RAY**

OFFICE OF THE CLERK

MARCI M. WALDRON

CLERK

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE

215-597-2995

July 24, 2008

Peter T. Dalleo, Clerk  
United States District Court  
J. Caleb Boggs Federal Building  
Lockbox 18  
844 King Street  
Wilmington, DE 19801-3570

Re: Correa v. State of Delaware  
D. Del. No. 08-cv-00356

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal from the District Court order entered 6/26/08 which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. **The notice was placed in institutional mail on 7/15/08 and should be docketed as of that date.**

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Laura L. Davis  
Deputy Clerk

Enclosure

cc: Mr. Guango Correa (w/out enclosure)